

House Amendment 8467

PAG LIN

1 1 Amend Senate File 2364, as passed by the Senate, as
1 2 follows:

1 3 #1. Page 72, line 3, by striking the word
1 4 <subsections> and inserting the following:

1 5 <subsection>.

1 6 #2. Page 72, by striking lines 4 through 9.

1 7 #3. Page 75, line 18, by striking the word <an>

1 8 and inserting the following: <an a written>.

1 9 #4. Page 75, line 20, by inserting after the word

1 10 <a> the following: <public or>.

1 11 #5. Page 75, by striking lines 25 through 30 and
1 12 inserting the following:

1 13 <c. If a governmental subdivision proposes to

1 14 enter into an agreement with a public or private

1 15 organization pursuant to this subsection to preserve

1 16 and protect a cemetery or burial site that is located

1 17 on property owned by another person within the

1 18 jurisdiction of the governmental subdivision, the

1 19 proposed agreement shall be written, and the

1 20 governmental subdivision shall provide written notice

1 21 by ordinary mail of the proposed agreement to the

1 22 property owner at least fourteen days prior to the

1 23 date of the meeting at which such proposed agreement

1 24 will be authorized. The notice shall include the

1 25 location of the cemetery or burial site and a copy of

1 26 the proposed agreement, and explain that the property

1 27 owner is required to permit members of the public or

1 28 private organization reasonable ingress and egress for

1 29 the purposes of preserving and protecting the cemetery

1 30 or burial site pursuant to the proposed agreement.

1 31 The notice shall also include the date, time, and

1 32 place of the meeting and a statement that the property

1 33 owner has a right to attend the meeting and to comment

1 34 regarding the proposed agreement.

1 35 d. Subject to chapter 670, a governmental

1 36 subdivision that enters into an agreement with a

1 37 public or private organization pursuant to this

1 38 subsection is liable for any personal injury or

1 39 property damage that occurs in connection with the

1 40 preservation or protection of the cemetery or burial

1 41 site or access to the cemetery or burial site by the

1 42 governmental subdivision or the public or private

1 43 organization.

1 44 For the purposes of this paragraph, "liable" means

1 45 liability for every civil wrong which results in

1 46 wrongful death or injury to a person or injury to

1 47 property or injury to personal or property rights and

1 48 includes but is not restricted to actions based upon

1 49 negligence; error or omission; nuisance; breach of

1 50 duty, whether statutory or other duty; or denial or

2 1 impairment of any right under any constitutional

2 2 provision, statute, or rule of law.

2 3 e. A property owner who is required to permit

2 4 members of a public or private organization reasonable

2 5 ingress and egress for the purpose of preserving or

2 6 protecting a cemetery or burial site on that owner's

2 7 property and who acts in good faith and in a

2 8 reasonable manner pursuant to this subsection is not

2 9 liable for any personal injury or property damage that

2 10 occurs in connection with the preservation or

2 11 protection of the cemetery or burial site or access to

2 12 the cemetery or burial site.

2 13 f. For the purposes of this subsection, reasonable

2 14 ingress and egress to a cemetery or burial site shall

2 15 include the following:

2 16 (1) A member of a public or private organization

2 17 that has entered into a written agreement with the

2 18 governmental subdivision who desires to visit such a

2 19 cemetery or burial site shall give the property owner

2 20 at least ten days' written notice of the intended

2 21 visit.

2 22 (2) If the property owner cannot provide

2 23 reasonable access to the cemetery or burial site on

2 24 the desired date, the property owner shall provide

~~2 25 reasonable alternative dates when the property owner
2 26 can provide access to the member.
2 27 (3) A property owner is not required to make any
2 28 improvements to that person's property to satisfy the
2 29 requirement to provide reasonable access to a cemetery
2 30 or burial site pursuant to this subsection.>~~

2 31 #6. By striking page 76, line 3, through page 77,
2 32 line 26.
2 33 #7. By renumbering as necessary.

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2 37 HUSER of Polk

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2 41 KAUFMANN of Cedar

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2 45 LALK of Fayette

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2 49 SWAIM of Davis

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3 3 SCHUELLER of Jackson

3 4 SF 2364.303 81

3 5 av/cf/1668